



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 1358-00

24 July 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 25 June 1951 at the age of 17. Your record reflects that on 15 October 1951 you received captain's mast (CM) for losing your identification and liberty cards and were awarded restriction for a week.

On 3 April and again on 11 August 1952 you received CM for absence from your appointed place of duty, drunk and disorderly conduct, disrespect, and insubordination. Shortly thereafter, on 29 September 1952, you were convicted by special court-martial (SPCM) of disobedience and drunk and disorderly conduct. You were sentenced to confinement at hard labor for six months.

Your record further reflects that on 20 March 1953 you were convicted by civil authorities of disorderly conduct while armed with a deadly weapon. You were sentenced to a \$150 fine or confinement for 30 days. On 27 April 1953 you were convicted by SPCM of two periods of unauthorized absence (UA) totalling 33 days and breaking restriction. You were sentenced to confinement at hard labor for two months and forfeitures totalling \$70. You

were subsequently processed for an administrative separation by reason of unfitness. On 30 April 1953 your commanding officer recommended you be issued an other than honorable discharge by reason of unfitness. On 14 May 1953 the discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge. On 25 June 1953 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent misconduct in both the military and civilian communities. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director